

Notice of Allowability

Application No.

09/541,980

Examiner

Adnan M Mirza

Applicant(s)

TAKEMURA, SHINICHI

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/10/2004.
2. ☐ The allowed claim(s) is/are 1-4,6-18.
3. ☒ The drawings filed on 03 April 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Jay. H. Maioli on 01/12/05.

Please cancel claims 19-29.

Please keep the amended claims 1-4, 6-18.

Please replace the existing claim 8 with the amended claim 8 below.

8. (Currently Amended) A network system according claim 1 wherein the second-state process change its state to the first state when the second-state process portion detects a communication error with the first-state process portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is 571-272-3885. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 6:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 746-7238 (for After final communications);

Or:

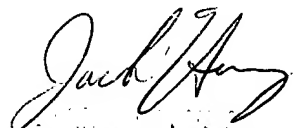
(703) 746-7239 (for formal communications intended for entry)

Or:

(703) 746-7240 (for status inquiry or informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

1/12/05


SUPERVISOR, PATENT EXAMINER

Reasons for Allowance

1. Claims 1-4,6-18 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The prior art most closely resembling the invention are Ruane et al (U.S. 6,182,135) and Imai et al (U.S. 5,802,298). Ruane disclosed to determine whether two network units are connected directly to each other. Communication network equipment drivers are provided that control the devices connected to the network based upon commands and requests and responses. However Ruane did not disclose a third group would consist of process portions of the first group and process portions of the second group. Wherein the process portion determined as the only one to be the first-state process portion remains in the first state and all other process portions not so determined are changed into the second state. These limitations are incorporated in all the independent claims 1,11.

Second Imai disclosed a server stores the identification information in a specialized storage area that is not destroyed when a defect takes place in a network. On the other hand, if a defect does take place a backup server is provided to take over upon accessing the stored identification information. However Imai did not disclose a third group would consist of process portions of the first group and process portions of the second group. Wherein the process portion determined

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as the only one to be the first-state process portion remains in the first state and all other process portions not so determined are changed into the second state.

In summary, Examiner submits that there is no motivation to combine the aforementioned references; therefore, claims 1-4,6-18 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such determination should be clearly labeled "Comments on Statement of Reasons for Allowance."